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Attorneys for Target Corporation

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BUTTE DIVISION**

MURTISIAH TAYLOR,  
PLAINTIFF,

VS.

TARGET CORPORATION, A MINNESOTA  
CORPORATION,  
DOES 1-10, AND ABC COMPANIES 1-  
10,  
DEFENDANTS.

CAUSE NO. CV-21-67-BU-BMM

**NOTICE OF REMOVAL**

Target Corporation ("Target"), respectfully notifies the Court and the parties that the above-captioned case now pending in the Montana Eighteenth Judicial District Court, Cause No. DV-21-11C, is removed therefrom to the Court under the provisions of 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a).

In support thereof, Target advises the Court as follows:

1. Plaintiff Murtisiah Taylor at all times material herein has been a citizen of Belgrade, Gallatin County, Montana.
2. Defendant Target is a citizen of the state of Minnesota because it is

incorporated in the State of Minnesota pursuant to the laws of the State of Minnesota and has its principal place of business located in the State of Minnesota. Accordingly, for purposes of diversity, Target is a citizen of Minnesota pursuant to 28 U.S.C. § 1332.

3. The citizenship of John Doe Defendants is disregarded in determining whether this action is removable pursuant to 28 U.S.C. § 1441(b)(1).

4. The underlying Complaint in Montana state district court, in and for Gallatin County, was filed on January 5, 2021, and Defendant Target was served on January 13, 2021.

5. The acts and omissions complained of in the Complaint occurred at the Target store located in the city of Bozeman, Gallatin County, State of Montana.

6. The Plaintiff has stated and Target believes that the amount in controversy will exceed the jurisdictional dollar amount of \$75,000 required by U.S.C. § 1332(a).

7. Murtisiah Taylor alleges that she suffered bodily injuries in the accident, including injuries to her left shoulder, wrist, and leg. In the Complaint, she alleges permanent injuries, including bodily injuries, past and future medical expenses, past and future pain and suffering, mental anxiety, loss of earnings and loss of earning capacity.

8. Plaintiff did not provide Target with medical records before filing suit. Such records have now been requested in discovery. Plaintiff's counsel declined to submit a demand or to more specifically identify Plaintiff's damages or the amount to be sought in recovery therefore both before and after suit was filed on the grounds that medical treatment was ongoing and damages undetermined. Due to this lack of information, Target was unable to determine whether the dollar amount for diversity jurisdiction was met and was unable to remove within 30 days of service of suit pursuant to 28 U.S.C. §

1446(b)(1).

9. Plaintiff Murtisiah Taylor filed a Statement of Damages on August 23, 2021, in the Gallatin County state district court alleging that her general damages are no less than \$100,000, and that her past medical expenses are no less than \$9,000, and that she will be seeking future medical expenses as well. Thus, it has now become clear that the amount in controversy exceeds the jurisdictional amount of \$75,000, and the case is removable pursuant to 28 U.S.C. § 1446(b)(3).

10. The above facts support the assertion that the amount in controversy exceeds \$75,000, as required by *Singer v. State Farm*, 116 F.3d 373, 376 (9<sup>th</sup> Cir. 1997).

11. There is complete diversity of citizenship and the amount in controversy exceeds \$75,000, and as a result, this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a) and this cause is removable from state district court to federal district court pursuant to the provisions of 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a).

12. Venue is proper in this District Court pursuant to 28 U.S.C. § 1339(b)(2) and L.R. 1.2(c)(2).

13. Pursuant to 28 U.S.C. § 1446(b), Target has timely filed this Notice of Removal. This removal is made within 30 days of the filing of the Statement of Damages, the pleading by which it was ascertained that the amount in controversy exceeded the jurisdiction amount of \$75,000 for removal and is therefore timely under 28 U.S.C § 1446(b)(3).

14. Pursuant to 28 U.S.C. § 1446(b), Target attaches to the Notice of Removal, and incorporates herein by reference, a copy of all state pleadings filed in the state court action.

Wherefore, Target removes the above-captioned action now pending in the Montana Eighth Judicial District Court, Gallatin County, to this Court.

DATED August 31, 2021.

LAW OFFICE OF ALLEN P. LANNING, PC

By   
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ALLEN P. LANNING  
Attorneys for Target Corporation